GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 111 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. Dilip Bodke for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent Nos. 1 to 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 15, 2005

P.C.

. The Petitioner claims that the land bearing Survey No. 267 which is being acquired is of the Trust Shree Sidheshwar Mahadeo Deosthan. The main objection raised by the Petitioner herein is that as he is not the owner that land it could not be included for the purpose of counting his holding. There is no dispute that the Petitioner is holder of land Survey No. 25 which land is not being acquired. What is being acquired is from Survey No. 267. The Petitioner does not claim that he is tenant of the suit property. In these

circumstances, considering the controversy involved namely that the slab would not apply in our opinion, the present petition at the instance of the petitioner though person interested will not be maintainable. It is for the Deosthan, if they are owners who can contend that the slab is not applicable as they are holders of land less than what is provided by the slab. With the above observations, petition stands disposed off. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)